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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

LAMBRECHT, CHRISTOPHER M

ART UNIT PAPER NUMBER

2611

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/731,705

Applicant(s)

INOUE, TATSU

Examiner

Christopher M. Lambrecht

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-17 and have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

2. Claim 2-3 and 8-9 are objected to because of the following informalities: At line 2 of each of claims 2-3 and 8-9, replace "the" (third occurrence) with --a--. On line 3 of each of claims 2-3 and 8-9, replace "the" (second occurrence) with --a--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-12 and 14-17 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,118,492 to Milnes et al. (hereinafter "Milnes").

Regarding claims 1 and 7, Milnes discloses a program guide displaying apparatus and corresponding method comprising:

- a program information obtaining device (38, fig. 1) for obtaining program information (col. 2, line 61 - col. 3, line 10) including information indicative of a program name, a genre name, a start time, a length of a program or an end time, a broadcasting channel and a broadcasting date of respective one of a plurality of programs (col. 3, lines 33-61);

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- a setting device for setting a specific condition with respect to at least one of a time and a channel of the program (color-coding scheme [col. 3, lines 42-60] visually distinguishes programs with respect to time); and
- a displaying device (col. 3, lines 5-10) which displays a first program table (illustrated in fig. 2) and a second program table (guide with program listings limited according to theme; col. 5, lines 1-9), wherein said display device displays in a first program table (fig. 2) a plurality of program information for said programs in a plurality of cells, such that each of said cells contains information on one of said programs (i.e., title or name), wherein said cells are arranged in a 2-dimensional format having a time axis (horizontal) and a channel axis (vertical);
- wherein said displaying device displays in said second program table the plurality of program information which has been edited for each genre of said programs (i.e., displays program information for programs fitting a particular theme; col. 5, lines 1-9), and a form of display for each genre is differentiated for each genre (theme based color coding, col. 3, lines 42-60; see also col. 2, lines 4-9); and
- wherein a first portion (background color within time range indicated as 135 of fig. 2) of each of said cells, which satisfies the specific condition set by said setting device (i.e., available for viewing) is displayed in a display form which is different from that of a second portion (background color outside of time range indicated as 135 of fig. 2) of each of said cells which does not satisfy the specific condition set by said setting device (unshaded regions of, e.g., program cells corresponding to ESPN, HBO, and A&E), and wherein said first portion is a different portion of said cells than said second portion (see fig. 2 and col. 3, line 53 - col. 4, line 11).

As to claims 2-3 and 8-9, Milnes discloses a program guide displaying apparatus and corresponding method according to claims 1 and 7, wherein said displaying device displays the first program table and the second program table such that a portion of each program within the first program table and a portion of each genre within the second program table are displayed with a same color (and thus pattern) for each genre (first [fig. 2] and second [limited form of fig. 2] program tables color code programs according to genre; see above).

As to claims 4-5 and 10-11, Milnes discloses a program guide displaying apparatus according to claims 1 and 7, wherein said displaying device displays the first program table and the second program table such that the portion of each program, which satisfies the specific condition, is displayed with a color (and thus pattern) different from the portion of each program, which does not satisfy the specific condition (col. 3, lines 42-60).

As to claims 6 and 12, Milnes discloses the program guide displaying apparatus according to claims 1 and 7, wherein the first and second portions of a program cell are displayed differently according to whether said portions fall within current or future programming times (e.g., see background colors/shading of cells spanning beyond 135 of fig. 2). In addition, Milnes discloses further visually distinguishing an overlapped portion (i.e., program name) of the portions displayed in different manners from each other is displayed in a further different display manner (font of program names are distinguishable on each of first and second portions; see fig. 2 and col. 3, lines 42-65).

Regarding claims 14 and 15, see Milnes as applied to claims 1 and 7, above. In addition to the first and second portions, which are displayed differently depending on whether the specific condition is met (i.e., whether the portion of the cell is currently available or in the future), Milnes discloses a genre display portion which is different (and displayed differently) than each of said first and second portions (program name font color-coded according to genre; see fig. 2 and col. 3, lines 42-60).

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As to claims 16 and 17, Milnes discloses the apparatus of claims 14 and 15, wherein the form of display of said first, second and third (or genre) portions of said cells is color (col. 3, lines 42-60).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Milnes in view of U.S. Patent No. 6,392,709 to Orito (hereinafter "Orito").

Milnes discloses a program guide displaying apparatus as discussed above with respect to claims 1 and 2. In addition, Milnes discloses displaying a freely movable cursor in said first program table, as claimed (see col. 3, lines 5-33 and col. 5, lines 10-40). Milnes fails, however, to disclose displaying a summary information cell of a program selected by said cursor, wherein the first program table and the summary information cell are displayed at the same time.

In an analogous art, Orito discloses a summary information cell which indicates a summary content of a program displayed as a cell in a program table when said program is selected by a cursor displayed in said table, wherein the program table and the summary information cell are displayed at the same time (see figs. 9-10 and col. 6, line 44 - col. 7, line 20). Orito further discloses that summary information cell scheme disclosed therein enables the user to obtain additional program information without obscuring the relationship between the program table and the summary information (col. 1, line 55 - col. 2, line 4).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Milnes to include a summary information cell displayed at

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the same time as the first program table, as taught by Orito, for the benefit of providing a more user-friendly interactive programming guide.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M. Lambrecht whose telephone number is (571) 272-7297. The examiner can normally be reached on 9:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher M Lambrecht
Examiner
Art Unit 2611

cml


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